



**Request for City Council Committee Action
From the City Attorney's Office**

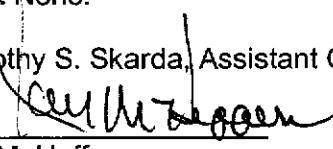
Date: December 1, 2003
To: Ways & Means/Budget Committee
Referral to: None

Subject: Shyanna Freeman v. City of Minneapolis et al, U. S. District Court file no. 02-3781 JMR/FLN

Recommendation: That the City Council approve settlement of the lawsuit filed by Shyanna Freeman, United States District Court file no. 02-3781, in the amount of \$180,000.00, payable as directed by Shyanna Freeman and her attorney, Donna Roback, and authorize the City Attorney to execute any documents necessary to effectuate the settlement, release of claims and structured settlement, payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

JS Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: Build Community

Background/Supporting Information

Shyanna Freeman brought this action alleging violations of 42 U.S.C. § 1983 for the use of excessive force, discrimination, conspiracy, assault, battery and false arrest.

On July 19, 2001, near 27th and Central Avenues NE at 10:00 p.m. Ms. Freeman was observed crossing the street against the 'Do Not Walk' light. Ms. Freeman, age 17 at the time of the incident, was with two small children that she was babysitting. The officer attempted to issue a citation to Ms. Freeman. A confrontation

ensued when Ms. Freeman walked away. Physical force was used by the officer to control Ms. Freeman, including taking her to the ground and handcuffing her. Ms. Freeman was arrested and charged with the gross misdemeanor of obstructing legal process with force. The charges were subsequently dismissed.

Ms. Freeman asserts that the light said 'Walk;' that the officer did not identify himself to her as a police officer; and that the only time she struggled or yelled was when she was on the ground and her arms were tangled in her purse.

Since the incident, Ms. Freeman has graduated from Edison High School. She had been a member of the National Honor Society and National Honor Roll. In her senior year in high school her grades fell which she alleges affected her ability to obtain college scholarships. Ms. Freeman alleges that she was unable to pursue athletic scholarships because of the psychological damages suffered during the incident in question. Ms. Freeman is currently a freshman at Hamline University.

Ms. Freeman suffered bruises on her wrists, a swollen arm, bruised shoulder and bruised knee. Ms. Freeman has been receiving ongoing psychological treatment to deal with the trauma and anxiety from the incident. She has no past mental health history.

A final settlement conference before Magistrate Judge Franklin Noel was held on November 25, 2003. The settlement conference was attended by Council Vice President Robert Lilligren, Deputy Police Chief Sharon Lubinski and Assistant City Attorney Timothy Skarda. A proposed settlement was reached in the amount of \$180,000.00 with non-monetary relief. The non-monetary relief is comprised of a meeting between representatives of the police department and Ms. Freeman and her sisters in an attempt to alleviate ongoing fear of police officers. The City has also agreed that the criminal records related to the arrest of Ms. Freeman will be expunged. Finally, Ms. Freeman has indicated that she wishes to have some of the proceeds of the proposed settlement deferred as part of a structured settlement. The City has agreed to assist with the structured settlement. The details of the structured settlement have not been finalized, however, a structured settlement imposes no additional costs on the City. We believe that the proposed settlement on the terms set forth is in the best interests of the City of Minneapolis and jointly recommend approval by the City Council of the proposed settlement.